

**THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA <i>ex rel.</i> ROBERT A. CUTLER, Plaintiff, v. CIGNA CORP. <i>et al.</i> , Defendants.	17 Civ. 7515 (KMK) [PROPOSED] UNSEALING ORDER
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The United States (the “Government”) has filed a Notice (the “Notice”) advising this Court of its decision that it is declining intervention as to certain of the relator’s claims pursuant to the False Claims Act (the “FCA”), 31 U.S.C. § 3730(b)(4)(B), and not intervening at this time as to the remaining claims asserted in the amended complaint in the above-captioned *qui tam* action.

IT IS HEREBY ORDERED THAT:

1. The amended *qui tam* complaint shall be unsealed on April 10, 2020. In the event that the relator has not moved to dismiss the action, service upon the defendants by the relator is authorized as of that date.
2. If the relator voluntarily dismisses the complaint pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure on or before April 10, 2020, the relator may seek to modify this Order with the consent of the Government or by motion on notice to the Government.
3. The Notice shall be served by the relator upon defendants only after the service of the amended *qui tam* complaint.
4. Except for the relator’s amended *qui tam* complaint, this Order, and the Government’s Notice, all other contents of the Court’s file in this action as of the date of this Order shall remain under seal and not be made public or served upon the defendant.

5. Upon the unsealing of the relator's amended *qui tam* complaint, the seal shall be lifted as to all matters occurring in this action subsequent to the date of the unsealing.

6. The relator and defendants shall serve all pleadings and motions filed in this action, including all supporting memoranda, upon the Government; and the Government may order any transcripts of depositions.

7. The Government may seek at any time to intervene with respect to the relator's *qui tam* claims for good cause pursuant to 31 U.S.C. § 3730(c)(3) or to seek dismissal of this action pursuant to 31 U.S.C. § 3730(e)(4).

8. All further orders of this Court in this action shall be sent to the Government by the relator.

9. Should the relator or defendants propose that this *qui tam* action be dismissed, settled, or otherwise discontinued, or that any of the defendants be dismissed from the case, the party (or parties) seeking such relief must solicit the written consent from the Government before applying for Court approval.

Dated: White Plains, New York
February 25, 2020

SO ORDERED:



HON. KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE